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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
10 **(HONORABLE LARRY ALAN BURNS)**

11 UNITED STATES OF AMERICA,)

12 Plaintiff,)

13 v.)

14 **Rufino PERALTA-SANCHEZ,**)

15 Defendant.)
16 _____)

Case No. 14-CR-1308-LAB

Date: June 9, 2014

Time: 2:00 p.m.

**Defendant's Motion to Shorten Time
to File Motion To Dismiss Under
8 U.S.C. § 1326(d)**

17 **TO: LAURA E. DUFFY**, United States Attorney;
18 **MICHELLE L. WASSERMAN**, Assistant United States Attorney.

19 Rufino Peralta-Sanchez, by and through counsel, Samuel L. Eilers, Matthew
20 C. Binninger, and Federal Defenders of San Diego, Inc., respectfully moves this
21 Court for an order shortening time to file his "Motion to Dismiss under 8 U.S.C. §
22 1326(d)" for the following reasons.

23 Mr. Peralta-Sanchez was arrested on March 8, 2014. Two days later, on March
24 10, 2014, a Complaint was filed charging with Mr. Peralta-Sanchez with being a
25 removed alien found in the United States in violation of 8 U.S.C. § 1326(a) and (b).
26 Over a month later, on April 17, 2014, the government provided defense counsel
27 with documents showing that Mr. Peralta-Sanchez had been deported by an
28 immigration judge in 1999. On May 7, 2014, a two-count Indictment was filed

1 charging Mr. Peralta-Sanchez with being a removed alien found in the United States,
2 as well as improper entry by an alien (a felony) in violation of 8 U.S.C. § 1325.

3 On May 14, 2014, the government sent defense counsel an email to advise that
4 Mr. Peralta-Sanchez was also subjected to an expedited removal in 2012. Five days
5 later, on May 19, 2014, the parties appeared before this Court for a Motion Hearing
6 / Trial Setting. At the hearing, a Jury Trial was scheduled for June 10, 2014, and a
7 Motion in Limine Hearing was scheduled for June 9, 2014. This Court ordered that
8 any § 1326(d) motion shall be filed three weeks prior to the Motions in Limine
9 Hearing of June 9, 2014. In other words, any § 1326(d) motion was due on May 19,
10 2014, the same day the parties appeared before the Court for the Motion Hearing
11 /Trial Setting. That same day, the government provided defense counsel with 251
12 pages of A-file discovery, including the documents showing that Mr. Peralta-
13 Sanchez had been subjected to an expedited removal in 2012.

14 The 251 pages of A-file discovery provided to defense counsel on May 19,
15 2014, needed to be thoroughly reviewed and analyzed by defense counsel before
16 defense counsel could complete legal research and finalize drafting of the "Motion
17 to Dismiss Under 8 U.S.C. § 1326(d)." Due to a combination of the relative
18 complexity of the legal issues involved in this case, the timing of events and
19 deadlines set out above, and general press of business, defense counsel respectfully
20 requests that this Court enter an order shortening time to file the § 1326(d) motion
21 from three weeks (May 19, 2014), to 13 days (May 27, 2014).

22
23 Respectfully submitted,

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25 Dated: May 27, 2014

26 s/ Samuel L. Eilers
27 **SAMUEL L. EILERS**
Federal Defenders of San Diego, Inc.
Attorneys for Mr. Peralta-Sanchez
Samuel_Eilers@fd.org
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Dated: May 27, 2014

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s/ Samuel L. Eilers
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